

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WASTE ACTION PROJECT,

Plaintiff,

v.

GIRARD RESOURCES & RECYCLING
LLC,

Defendant.

CASE NO. 2:21-cv-00443-RAJ-JRC

ORDER GRANTING LEAVE TO
AMEND AND STRIKING
SCHEDULING ORDER

This matter is before the Court on plaintiff's motion to file an amended complaint, naming an additional defendant, the City of Snoqualmie. Dkt. 26. The motion is unopposed, which the Court deems an admission that the motion has merit. *See* LCR 7(b)(2).

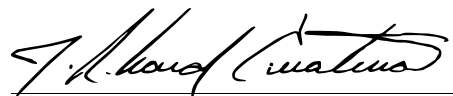
The Court finds good cause to amend the scheduling order's deadlines for joinder and for amending pleadings in light of defendant's lack of opposition and plaintiff's explanation that it was only after these deadlines that it learned of the City's role in the allegations related to this matter. *See In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013). In addition, plaintiff asserts that it had to wait 60 days after serving a notice of intent to

1 sue on April 19, 2022, under a statutory notice provision, before it may file a complaint naming
2 an additional defendant. Dkt. 26, at 4. The Court also finds that amendment under Federal Rule
3 of Civil Procedure 15 is appropriate because defendant does not assert that the Court should deny
4 the motion and because neither undue delay, bad faith, prejudice, nor futility are apparent. *See*
5 *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir. 1997).

6 Plaintiff shall file the proposed amended complaint (Dkt. 26-1) as the operative
7 complaint in this matter on or before **June 24, 2022**, in light of plaintiff's explanation that it
8 must await the close of a sixty-day notice period beginning April 19, 2022. *See* Dkt. 26, at 4.

9 The Court also finds good cause to strike the scheduling order in this matter, including
10 due to the pendency of the motion to dismiss (Dkt. 12) and the Court's allowance of an amended
11 complaint adding an additional party. All deadlines previously set forth in the Court's
12 scheduling order are stricken (Dkt. 24), and within 30 days of the City of Snoqualmie's
13 appearance, the parties shall confer and file a joint status report to assist the Court in scheduling
14 this matter.

15 Dated this 6th day of June, 2022.

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18 J. Richard Creatura
19 Chief United States Magistrate Judge
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